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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/178,329	10/23/1998	MICHAEL R. NOWAK	E4919-00003	4360

8933 7590 12/13/2006

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IP DEPARTMENT  
30 SOUTH 17TH STREET  
PHILADELPHIA, PA 19103-4196

EXAMINER

JACKSON, MONIQUE R

ART UNIT	PAPER NUMBER
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1773

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/178,329

**Applicant(s)**

NOWAK ET AL.

**Examiner**

Monique R. Jackson

**Art Unit**

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,5,6,9-12 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5,6,9-12 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/06</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114.

Applicant's submission filed on 9/25/06 has been entered. Claims 1, 5, 6, 9-12, and 24.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### *Claim Rejections - 35 USC § 103*

3. Claims 1, 5, 6, 9-12, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Wittosch et al and in further view of Finestone et al. The admitted prior teaches a ream of paper wrapped by a wrapping material comprising a paper layer and polymer and/or wax coating, particularly polyethylene coating, to provide a moisture barrier for the ream of paper (Pages 1-2), but do not teach the paper weight or the use of a solid film laminated to the paper with particular adhesives. However, Wittosch et al also teach a coated ream wrap material for wrapping reams of paper comprising a paper substrate, a first polymer base coat layer, and at least one additional polymer coat layer on the base coat wherein each coating includes polymers such as polyvinyl acetate, ethylene vinyl acetate, acrylic modified poly(ethylacrylate), and polyvinylidene chloride and forms a pin-hole free continuous film, hence the Examiner takes the position that the base coat layer reads on the instantly claimed

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adhesive layer (Abstract.) Wittosch et al further teach that the paper substrate may be bleached or unbleached, recycled or virgin, or clay-coated paper, and has a basis weight in the range of 20 to 150 lbs per 3,000 sq. ft. (Col. 3, lines 31-40.) Wittosch et al teach that the coat layers may be formed from ethylene copolymers and may further comprise pigments or other additives (Col. 3, lines 4-30; Col. 6, lines 28-40.) The admitted prior art and Wittosch et al do not teach that the polymer or polyethylene coating layer is solid during lamination to the paper substrate.

However, the teachings of Finestone et al, as discussed in detail previously, recite that the tear and burst strength of a paper-plastic packaging laminate can be improved by laminating an oriented polymer film to the paper substrate wherein the polymer film is solid during lamination and imparts exceptional tear and burst strength to the resultant waterproof plastic-paper laminate product. Hence, one having ordinary skill in the art at the time of the invention would have been motivated to laminate a solid polymer or polyethylene film to the paper substrate in the invention taught by the admitted prior art and/or Wittosch et al in view of the teachings of Finestone et al.

Further, one having ordinary skill in the art would have been motivated to determine the optimum number of polymer, adhesive or coat layers to provide the desired barrier or heat seal properties as is well established in the art, utilizing conventional coating materials in the art and disclosed by the references, wherein the use of metallization is also a known process step in the art to provide improved barrier properties in the packaging art, including water and moisture barrier properties, and would have been obvious at the time of the invention.

#### ***Response to Arguments***

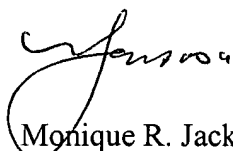
4. Applicant's arguments with respect to claims 1, 5, 6, 9-12, and 24 have been considered but are moot in view of the new ground(s) of rejection.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R. Jackson whose telephone number is 571-272-1508. The examiner can normally be reached on Mondays-Thursdays, 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on 571-272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Monique R. Jackson  
Primary Examiner  
Technology Center 1700  
December 11, 2006